

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation on January 20, 2011, adopted amendments to Chapter 130, "Signing Manual," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the December 15, 2010, Iowa Administrative Bulletin as **ARC 9290B**.

Iowa Code section 321.252 requires the Department to adopt a manual and specifications for a uniform system of traffic control devices for use upon highways within this state.

The Manual on Uniform Traffic Control Devices (MUTCD) is issued by the Federal Highway Administration (FHWA) under 23 CFR Part 655, Subpart F. The FHWA's final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register on December 16, 2009.

The amendments to Chapter 130 replace the 2003 edition of the MUTCD, including Revision No. 1, with the 2009 edition dated January 15, 2010; allow portable or part-time stop signs to be used at school crossings; define the MUTCD as the standard guide in the design and application of traffic control devices and permit the use of engineering judgment; and define the format and usage of "Standard" statements.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways.

These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective March 16, 2011.

Rule-making actions:

ITEM 1. Amend rule 761—130.1(321), introductory paragraph, as follows:

761—130.1(321) Manual. The "Manual on Uniform Traffic Control Devices" (MUTCD), ~~2003 2009~~ Edition ~~including Revision No. 1 dated November 2004~~ dated December 2009, published by the U.S. Department of Transportation, Federal Highway Administration, shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

ITEM 2. Amend subrule 130.1(1) as follows:

130.1(1) The department makes the following exception to the MUTCD for school zones: In Part 2, Section ~~2B.05~~ 2B.04, paragraph 12, of the MUTCD, ~~STOP Sign Applications~~ Right-of-Way at Intersections, Standard, in lieu of the sentence "Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes," the department adopts the following: "Portable or part-time STOP signs may be used only in the following situations:

1. When necessary for emergency and temporary traffic control zone purposes, or

2. In school zones at appropriate school crosswalks."

ITEM 3. Renumber subrule **130.1(2)** as **130.1(4)**.

ITEM 4. Adopt the following **new** subrules 130.1(2) and 130.1(3):

130.1(2) The department makes the following exception to the MUTCD, Section 1A.09, Engineering Study and Engineering Judgment: Add the following paragraphs to the Guidance section prior to paragraph 03:

"The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. While the MUTCD provides standards, guidance, and options for design and application of traffic control devices, the MUTCD should not be considered a substitute for engineering judgment.

"Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement."

130.1(3) The department makes the following exception to the MUTCD, Section 1A.13, Definitions of Headings, Words, and Phrases in this Manual, paragraph 01, definition of “Standard,” to read as shown:

“A. Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All Standard statements are labeled, and the text appears in bold type. The verb ‘shall’ is typically used. The verbs ‘should’ and ‘may’ are not used in Standard statements. Standard statements are sometimes modified by Options.”

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/9/11.